

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 24, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit #228K

PROPOSAL: Reduce the front yard setback from 19.5' to 15.5'.

LOCATION: 302 W. Lakeshore Dr.

CONCLUSION: There are many garages and carports throughout Capitol Beach that encroach into the setbacks. Public Works & Utilities Department does not object to the reduced setback. This request is consistent with the character of the Capitol Beach area and with previous amendments.

RECOMMENDATION:

Conditional Approval

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 24, Block 1, Capitol Beach West Addition located in the NE 1/4 of Section 21, Township 10 North, Range 6 East, Lancaster County, NE.

EXISTING ZONING: R-2 Residential with a Community Unit Plan

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North:	R-2 Residential	Single family dwellings
South:	R-2 Residential	Single family dwellings
East:	R-2 Residential	Capitol Beach Lake
West:	AG Agriculture	Interstate 80

HISTORY:

June 30, 2003 Special Permit #228J to reduce the front yard to 15' at 472 W. Lakeshore Dr. was approved by City Council

February 14, 2000	Special Permit #228I to reduce the front yard ranging from 5.5 feet to 2.25 feet on five lots to build carports at 332, 412, 432, 482 and 492 W. Lakeshore Dr. was approved by City Council.
February 14, 2000	Special Permit #228H to reduce the front yard to 14 feet for the construction of a dwelling unit and garage at 252 W. lakeshore Dr. was denied .
September 14, 1998	Special Permit #228G to reduce the front yard setback to 15' 10" and the side yard to 4' 3" to allow a garage and a house addition at 542 W. Lakeshore Dr. was approved by City Council.
August 3, 1998	Special Permit #228F to reduce the front yard to 14.5' and the side yard to 2' to allow a garage at 242 W. Lakeshore Dr. was approved by City Council.
January 9, 1995	Special Permit #228E to reduce the side yard to 8 inches for a garage at 222 W. Lakeshore Dr. was approved by City Council
May 31, 1994	Special Permit #228D to reduce the front yard to 19 inches and the side yard to 21 inches for an open carport at 192 W. Lakeshore Dr. was approved by City Council.
December 3, 1990	Special Permit #228C to reduce the front yard to 13.5' to allow a garage at 322 W. Lakeshore Dr. was approved by City Council.
November 20, 1989	Special Permit #228B to reduce the front yard to 14' 7" and side yard to 2' to allow a garage at 232 W. Lakeshore Dr. was approved by City Council.
January 7, 1985	Special Permit #228A to convert the Capitol Beach area into a community unit plan and setting the front yard at 19.5' was approved by City Council.
April 1962	Special Permit #228 to construct and operate a recreational area was approved by City Council.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2025 Comprehensive Plan identifies this area as Urban Residential

ANALYSIS:

1. This is an application to reduce the front yard setback from 19.5' to 15.5' The Capitol Beach West Community Unit Plan set the front yard setback at 19.5 feet.
2. The applicant's letter states that the reason for the reduced front yard is for an attached garage.
3. City of Lincoln Design Guidelines states that there is to be a minimum depth of 22' for vehicle storage and that the vehicle shall not block sidewalks. There are no sidewalks along W. Lakeshore Dr.
4. As long as there is at least 22 feet from the curb to the garage, Planning does not object to this application.
5. There have been numerous special permits granted previously to reduce front yard setbacks. These reductions ranged from 13.5' to 15'.
6. Public Works and Utilities Department does not object to the reduction in the front yard setback.
7. Public Works and Utilities Watershed Management Department notes that the lot is located in the 100 year floodplain and appropriate permits from Building & Safety must be obtained

CONDITIONS:

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department office and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:

1.1.1 the curb line and dimension the distance from the curb to the garage. The distance shall not be less than 22 feet. Delete the sidewalk from the site plan.

1.1.2 the 8" sanitary sewer main easement

2. This approval permits a reduction in the front yard setback from 19.5 feet to 15.5 feet, but not less than 22 feet from garage to curb.

General:

3. Before receiving building permits:

3.1 The permittee shall have submitted a revised and reproducible final plan including 5 copies and the plans are acceptable.

3.2 The construction plans shall comply with the approved plans.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:

4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.

4.2 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

4.3 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

4.4 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the applicant.

5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by:

Tom Cajka
Planner

DATE: November 5, 2004

APPLICANT: Lloyd & Donna Hinkley
5440 Fairdale Rd.
Lincoln, NE 68510
(402) 430-6064

OWNER: same as applicant

CONTACT: same as applicant

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Special Permit #228K 302 W. Lakeshore Dr.

2002 aerial

Zoning:

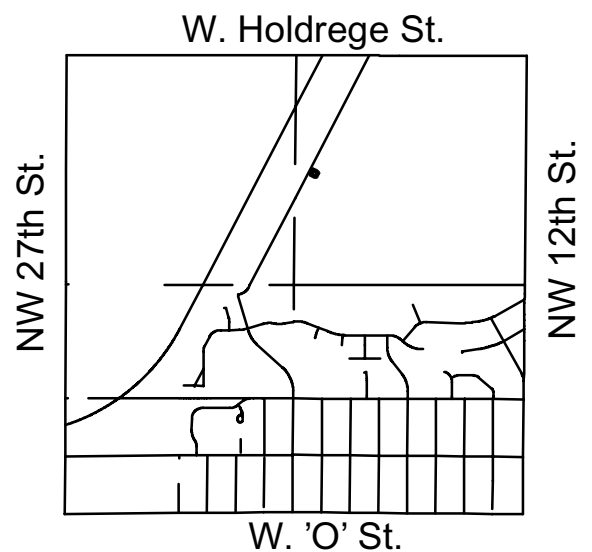
R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 21 T10N R6E

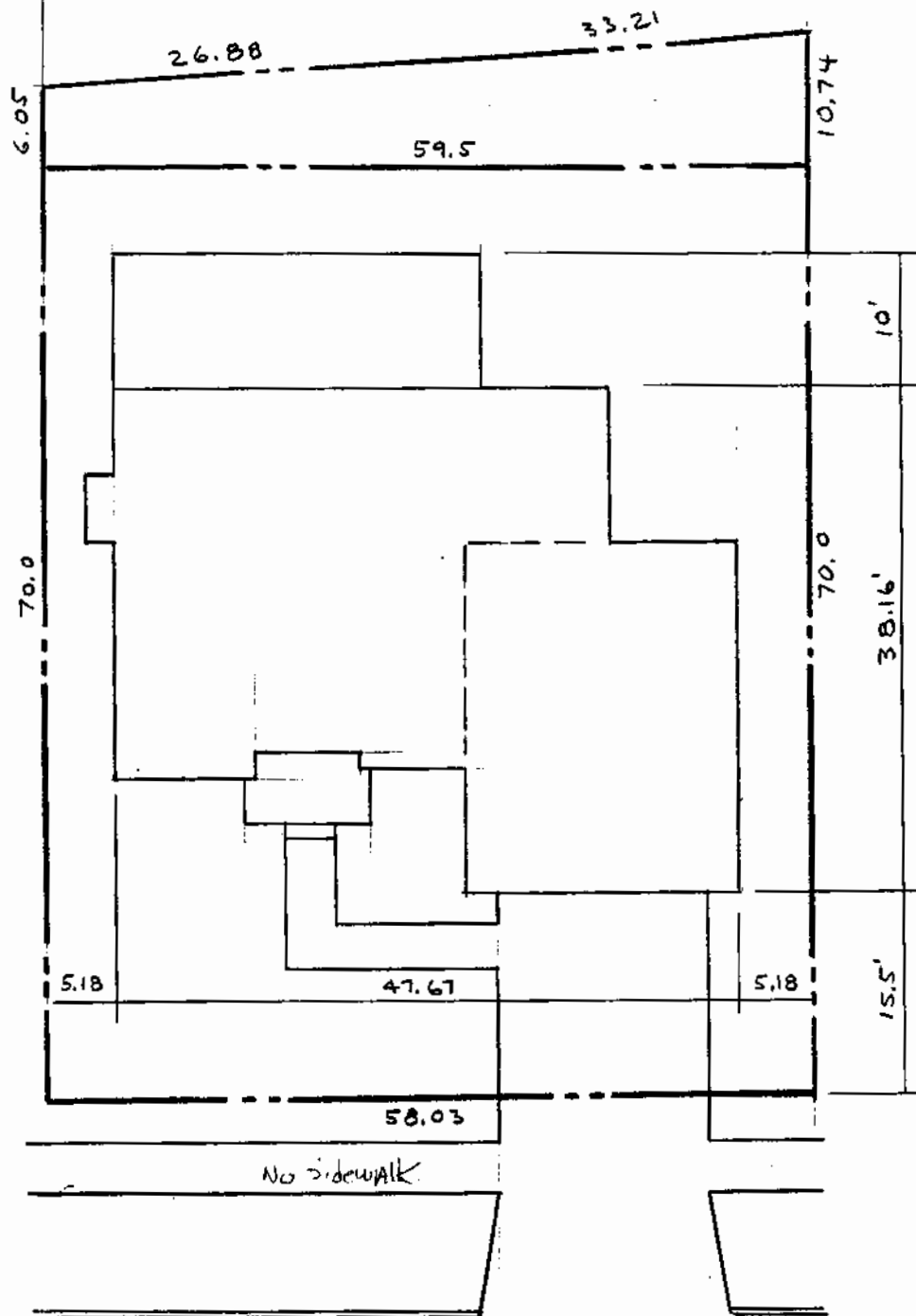


Zoning Jurisdiction Lines

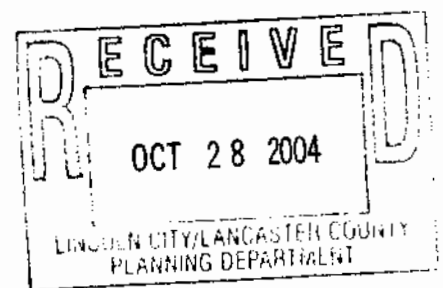
City Limit Jurisdiction



Lincoln City - Lancaster County Planning Dept.



302 W. LAKE SHORE



Memorandum

To:	Tom Cajka, Planning Department
From:	Charles W. Baker, Public Works and Utilities
Subject:	302 West Lakeshore Drive Special Permit #228K
Date:	November 4, 2004
cc:	Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the site plan for 302 West Lakeshore Drive Special Permit #228K to reduce the front yard set back to 15.5'. Public Works has the following comments:

- The location of the private roadway of West Lakeshore Drive, and property lines in this established addition does not allow adequate distance to install sidewalks. Therefore the setback distance of 15.5' will allow an adequate area for parking outside the garage area on the driveway.
- There is an existing 8" sanitary sewer that parallels West Lakeshore Drive that needs to be shown on the site plan that assures the reduced setback does not encroach on the easement of the sewer main.



John P Callen

11/05/2004 09:06 AM

To: Thomas J Cajka/Notes@Notes
cc:
Subject: 302 W. Lakeshore Dr.

Tom -

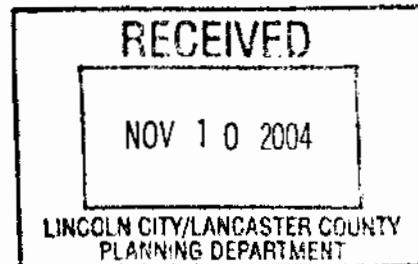
Ben Higgins forwarded the setback change request you are working on for 302 W. Lakeshore to me because the rear yard of this property is partially in the floodplain.

Since all of the property is in or near the floodplain, I wanted to offer brief comments.

The homeowner will need to be aware that there is potentially some floodplain on the property and that the flood elevation may need to be taken into account in siting the proposed building. This will not necessarily affect the current request involving the setback, but will be important when a building permit is requested. Because of this, they may want to be aware of and informed about the issues at this time. If the new structure will be placed outside the floodplain on the property, survey information may be required to demonstrate that this is the case. If any part of the new structure will be in the floodplain, a floodplain permit will be required and an elevation certificate will need to be submitted after construction.

If you need more information, let me know.

John P. Callen, EIT, CFM
Associate Engineer
City of Lincoln Dept. of Building and Safety
(402) 441-4970



CAPITOL BEACH COMMUNITY ASSOCIATION

**P.O. Box 81141
Lincoln, Nebraska 68501**

November 6, 2004

Marvin Krout Planning Director
555 South 10th Street
Lincoln Ne. 68508

Dear Mr. Krout,

As President of the Capitol Beach Community Association, I have been contacted by one of our members, Lloyd & Donna Hinkley, regarding their property at 302 West Lakeshore. Apparently your office has directed them to seek approval from our association regarding their request to rebuild/replace their current residence.

When I spoke to Donna, I informed her that I would be glad to write a letter to you in support of her request.

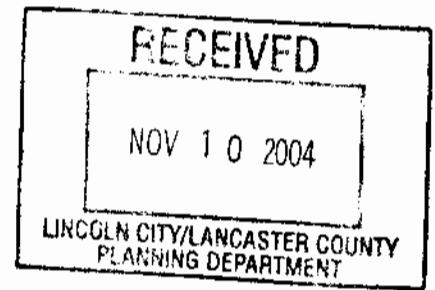
I also feel obligated to let you know that our homeowners association (CBCA) is incorporated as a 501 (C) (7) organization with limited powers over the commons of our association, including of course the Capitol Beach Lake. As part of our articles of incorporation and our current rules, we do not have any authority over our members and their private property or what the construct upon it.

If you have any questions, feel free to call me.

Sincerely,

John C. Huff President
For the Board Capitol Beach Community Association

November 9, 2004



Derek Miller
Lincoln/Lancaster Planning Dept.
555 South 10th St. Suite 213
Lincoln, Nebraska 68508

Derek,

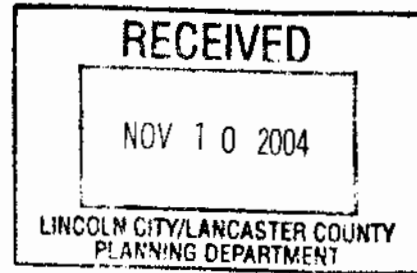
Regarding the set-back variance for 302 W. Lakeshore for construction of new residential dwelling for Lloyd and Donna Hinkley, I am enclosing two letters from the neighbors on either side of our property stating they have no objections to our request for variance.

Please call if you need any additional information before the Planning Commission meeting, November 24, 2004, for our agenda item.

Sincerely,

Donna Hinkley
430-6759

5440 Fairdale Rd.
Lincoln, Nebraska 68510



TO WHOM IT MAY CONCERN:

We have no objections for the front yard set-back variance as allowed by city building inspection, for construction of new dwelling and garage at 302 W. Lakeshore, property of Lloyd and Donna Hinkley.

<u>Mark Hoffmann</u>	<u>10/29/04</u>	<u>Adelle M. Hoffman</u>	<u>10/29/04</u>
	Date		Date

312 W. Lakeshore Drive
Address

Jack Conrad
292 W. Lakeshore Dr.
Lincoln, NE 68528

November 6, 2004

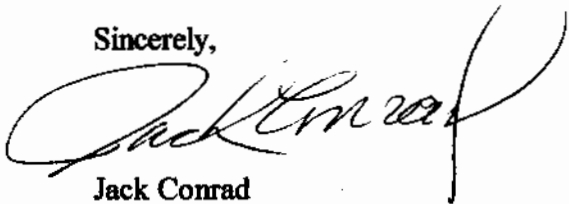
Lancaster/Lincoln, NE
County/City Planning Department

Re: Property - 302 W. Lakeshore Dr. - Lloyd and Donna Hinkley

Dear Ms./Srs.:

Lloyd and Donna Hinkley are planning to raze their house at 302 W. Lakeshore Dr., Lincoln, NE, and construct a new house on that lot, with a garage extending 4 1/2 ft. into the 20 ft. setback. My property is at 292 W. Lakeshore Dr. and is contiguous to their property. I have no objections to the Hinkley's plans to build a new house on their property, or the garage extending into the street setback. I support their efforts.

Sincerely,

A handwritten signature in black ink, appearing to read "Jack Conrad", with a large, sweeping flourish extending from the end of the name.

Jack Conrad
292 W. Lakeshore Dr.

To
City/County Planning Dept.

We plan on removing the existing dwelling
at 302 W. Lakeshore and building a
new home with attached garage.

This would require a change in the
Front yard set back to 15.5 feet for
the attached garage as per plan attached.
~~Brester~~ Construction will be our Contractor.
Ken Koch is the designer & planner.

Respectfully
J. L. Hunter
owner

